


INDEPENDENT POLICE REVIEW AUTHORITY

13 May 2013



Log # 1037895/ U # 10-26

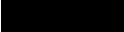
TO: Chief Administrator 
Independent Police Review Authority



FROM: Investigator Kymberly Ann Reynolds, # 126

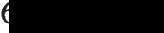
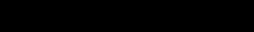
SUBJECT: U # 10-26

REFERENCE: RD# HS-400201-Aggravated Battery to a Police Officer: Other
Dangerous Weapon

**INVOLVED
OFFICER:** 1. ST. CLAIR, Michael; Police Officer; # 15527; M/B/  71;
DOA: 29 Sep 03; Emp. # ; Unit 006; On-Duty, in civilian
dress.

**INVOLVED
WEAPON:** Smith and Wesson, Model S943TSW, 9mm, Semi-Automatic,
Serial # 

**INVOLVED
OFFICER:** 2. UGARTE, Armando; Police Officer; # 15050; M/H/  75;
DOA: 03 Jan 05; Emp. #  Unit 006; On-Duty, in civilian
dress.

SUBJECT: HOPE, William; M/B/31 May 85; IR# 1432459; 


**SUBJECT
INJUIRES:** Multiple gunshot wounds, pronounced on the scene.

**INITIAL
INCIDENT:** Street Stop

**DATE/TIME
OF INCIDENT:** 08 July 2010, 1245 hours

LOCATION: 111 West 75th Street

SUMMARY OF INCIDENT:

On 08 July 2010, at approximately 1245 hours, Chicago Police Officers Armando Ugarte and Michael St. Clair, assigned to Beat 662 A in an unmarked black Chevrolet Tahoe, were on patrol driving eastbound on 75th Street. The officers observed a silver Pontiac Grand AM parked facing east at the south end of the parking lot of a Popeye's Chicken located at the corner of 75th Street and Perry. The officers observed a black male occupant (now identified as William Hope) in the Grand AM.¹ The officers were familiar with the parking lot because they have both made arrests there for narcotics and weapon violations. Officer Ugarte drove into the parking lot and stopped the Tahoe facing south in the front of the Grand AM. The officers exited the Tahoe and approached the driver's side of the Grand AM. Officer Ugarte was the "business officer"² and asked William Hope for his identification. William Hope handed Officer Ugarte his driver's license and his mobile telephone. Officer Ugarte immediately returned the mobile telephone to William Hope. William Hope put his vehicle into drive and moved forward, striking Officer Ugarte. Officer Ugarte reached into the window of the Grand AM to shift the vehicle into park, but became lodged in the window. William Hope put his vehicle in reverse and backed up. Officer Ugarte remained stuck in the vehicle as William Hope then went forward and struck the Tahoe again. Officer St. Clair, who had been standing to Officer Ugarte's right, saw this happening and yelled for William Hope to stop the vehicle. William Hope did not comply and Officer St. Clair, fearing for Officer Ugarte's safety fired four rounds striking William Hope. William Hope was pronounced dead on the scene. Officer Ugarte was taken to Christ Hospital, where he was treated for injuries to his right arm and leg. Forensic Investigators recovered a Beretta 9mm handgun from William Hope's left front pocket. (Att# 4)

¹ The vehicle was registered to [REDACTED] [REDACTED]

² Makes first approach request license and insurance from driver of the vehicle.

INVESTIGATION:

Detective Curtis Thomas, # 20199, Unit 620 related to the Roundtable Panel that he interviewed the witnesses, [REDACTED] and [REDACTED] on the scene of he incident. [REDACTED] informed Detective Thomas that he exited Popeye's Chicken to return to his vehicle in the parking lot. [REDACTED] saw the Tahoe pull into the parking lot and park in front of the Grand AM. Police officers exited the Tahoe and approached the Grand AM. [REDACTED] heard the officers say, "Stop the car!" The white officer (identified as Officer Ugarte) reached into the Grand Am. The black officer (identified as Officer St. Clair) fired his weapon at the driver of the Grand AM.

[REDACTED] informed Detective Thomas that he was walking approximately two feet behind [REDACTED]. As they approached [REDACTED]'s vehicle, [REDACTED] heard the officers tell William Hope to stop the vehicle. [REDACTED] saw William Hope attempt to maneuver the Grand AM around the Tahoe. Officer Ugarte reached into the Grand Am and Officer St. Clair fired his weapon at William Hope.

In a digitally recorded interview given to IPRA on 17 July 2010, at 3601 S. Wells # 312, the witness, [REDACTED], related that he was standing approximately 10 feet from the scene, but he was unable to see clearly into the vehicle. Mr. [REDACTED] related that he observed a black male, now known as William Hope, alone in the vehicle. The vehicle was backed into a parking space, facing forward. There was a median³ behind the vehicle. Mr. Hope appeared to be eating. Mr. [REDACTED] related that as he approached his vehicle, also parked in the lot, he observed a black SUV pull into the parking lot of the Popeye's Chicken. The black SUV blocked a vehicle that had backed into a parking space in the parking lot. Two officers, one black male, now known as Officer St. Clair, and a white male officer, now known as Officer Ugarte, exited the SUV. The officers were in plain clothes, had their badges out, and presented. Both officers approached the driver's side of the Grand AM.⁴ Officer Ugarte, who did not have his weapon drawn, approached the vehicle, whose windows were rolled down. The driver attempted to place the vehicle

³ A median is barrier at the front of a parking space.

⁴ Mr. [REDACTED] related that the officers did not announce their office as they approached the vehicle.

into gear. Officer Ugarte stated, "Sir, please put your car back in gear."⁵ Mr. [REDACTED] observed that Mr. Hope had his left hand⁶ on the steering wheel. Officer Ugarte reached inside the vehicle. Suddenly, Officer St. Clair who was standing on the driver's side stepped back, drew his weapon and discharged his weapon four times into the vehicle. Officer St. Clair got on the radio and requested for assistance. Mr. McGhee said, "If the white officer (Ugarte) had not moved, he would have shot him, too."⁷ Moments later, additional officers arrived on the scene. Officer St. Clair informed an officer that the Grand AM had struck him. However, Mr. [REDACTED] related that at no time did he observe the Grand AM move forward or strike Officer St. Clair. The officers did not appear to be in danger of being struck by the Grand AM. (Att# 39)

In a digitally recorded interview given to IPRA on 10 September 2010, at 5340 S. Seeley, the witness, [REDACTED] related that during the incident he was standing approximately 15 to 20 ft from the scene. The officers, a black male, Officer St. Clair and white male, Officer Ugarte were in a small black SUV. The officers pulled the vehicle into the parking lot and blocked the front of Grand AM. The officers stopped and exited their vehicle. The officers clearly had identifiers on their clothing. The officers had their badges around their necks and the words "POLICE" on the back of their vest. Mr. [REDACTED] heard the officers identify themselves as the police several times. The officers approached the gray Pontiac Grand AM. The Grand AM began to move forward, but it did not strike Officer Ugarte or the police vehicle. Officer Ugarte twice ran in front of the Grand AM to the passenger side of the vehicle, turned, ran in front of the Grand AM to the driver's side of the vehicle, and yelled, "Stop the car, stop the car, turn it off!"⁸ At no time did Mr. [REDACTED] hear Officer Ugarte instruct the driver to put his vehicle in park. As Officer Ugarte approached the vehicle on each side, he attempted to reach inside the vehicle and turn the vehicle off or grab the gearshift. The driver of the Grand AM began moving forward, and attempted to maneuver around the police vehicle, but was unable to move past the vehicle. Mr. [REDACTED] related that as Officer Ugarte reached inside the vehicle, the black male, Officer St. Clair, who was standing on the driver's side approximately

⁵ Att # 39, Page 7, Lines 20-21

⁶ Mr. [REDACTED] related that he was only able to see Mr. Hope's left hand through the window.

⁷ Att# 39, Page 8, Line 10-11

⁸ Att # 34, Page 6, Line 12

two feet behind Officer Ugarte at an angle, removed his weapon pointed the weapon at the vehicle and discharged four times. Officer Ugarte reached into the vehicle and turned off the engine. When the shooting was over, additional officers arrived on the scene. Mr. [REDACTED] overheard Officer St. Clair inform a "commander" that Mr. Hope's vehicle struck Officer Ugarte. Mr. [REDACTED] again stated that the vehicle did not strike Officer Ugarte. (Att# 33, 34)

Detective Pamela McClinton, # 20682, Unit 620, related to the Roundtable Panel that she interviewed witness [REDACTED], who runs a day care center at 7511 S. Perry. [REDACTED] informed Detective McClinton that she walked across the street to retrieve some items from her vehicle. As she did, [REDACTED] saw the Grand AM parked in the Popeye's parking lot. After retrieving the items from her vehicle and going back to the front yard of 7511 S. Perry, [REDACTED] saw the Tahoe enter the parking lot. Two officers approached the silver vehicle. The driver's side window was down and [REDACTED] heard the officers talk with Mr. Hope but could not hear what was said. Mr. Hope handed something to the officers. [REDACTED] assumed that it was a driver's license. Mr. Hope then put the Grand AM in gear and drove forward and backward. The Hispanic officer (identified as Officer Ugarte)⁹ reached through the open window. [REDACTED] thought he did this to get the keys. Mr. Hope continued moving the vehicle forward and backward. [REDACTED] turned away from the vehicle and heard a gunshot. [REDACTED] looked back at the Grand AM and saw the black male officer (identified as Officer St. Clair) fire his weapon. (Att # 4)

In a digitally recorded interview given to IPRA on 09 July 2010, at 1245 hours, at 7511 S. Perry, the witness, [REDACTED] related that she exited her residence to go to her vehicle which was parked on the west side of Perry and adjacent to the Popeye's parking lot. [REDACTED] observed a gray Pontiac Grand AM, parked in the Popeye's parking lot. As she was walking back to her residence, [REDACTED] noticed a black tinted police SUV truck pull in front of the Grand AM. Two plain clothed officers, one black and one Hispanic, exited the SUV and walked around to the driver's side of the Grand AM. The driver of the Grand AM appeared to provide the officers with his identification. The driver began to move his vehicle forward trying to maneuver past the officer's vehicle.

⁹ Ms. [REDACTED] identified Officer Ugarte as a Hispanic male

██████ heard the officers tell the driver to put the vehicle in park. The Hispanic officer (Officer Ugarte) reached his arm inside the vehicle to place the vehicle in park. Officer Ugarte had his hand position inside the vehicle as to place the vehicle in park. The driver (Mr. Hope) pulled forward slowly and then went backwards. As the vehicle moved forward the second time at a very slow speed, possibly five miles per hour, Officer Ugarte stepped backward a foot and stood completely outside the vehicle. Both officers were standing on the driver's side of the vehicle. The black officer (Officer St. Clair) who was standing approximately one foot from the vehicle, proceeded to shoot the driver four times.

██████ related that there was no commotion and that Officer Ugarte and Mr. Hope were not fighting as Officer Ugarte attempted place the vehicle in park. As Officer Ugarte pulled himself back and out of the window, Officer St. Clair fired his weapon. The Hispanic officer (Officer Ugarte) was standing on the driver's side of the vehicle and did not appear to have been dragged. (Att# 14, 16)

Attempts made by telephone to obtain interviews from witnesses ██████ and ██████ whose names were provided by Ms. ██████ but were met with negative results. (Att# 71)

Officer Armando Ugarte related to the Roundtable Panel that he and Officer St. Clair were on routine patrol driving east on 75th street. As they approached the Popeye's parking lot, they observed the Grand AM parked at the south end of the lot with an individual (now identified as William Hope) in the driver's seat. Officers Ugarte and St. Clair had both previously made arrests in that same parking lot. Officer Ugarte drove into the parking lot and stopped the Tahoe in front of the Grand AM. Officer Ugarte exited the Tahoe and walked around the back of the Tahoe to the driver's side of the Grand AM. Officer Ugarte announced his office and attempted to conduct a field interview with Mr. Hope. Officer Ugarte asked Mr. Hope for his driver's license. Mr. Hope gave Officer Ugarte a state ID card and mobile telephone. Officer Ugarte returned the mobile telephone to Mr. Hope. Mr. Hope put the Grand AM in drive and drove forward, turning the wheel which caused the Grand AM to strike Officer Ugarte. Officer Ugarte reached into the window to stop Mr. Hope from driving further. The driver's side window was not fully open and Officer Ugarte became stuck in the opening. Mr. Hope reversed the Grand

AM and drove forward again with Officer Ugarte still stuck in the window. Officer Ugarte repeatedly instructed Mr. Hope to turn off the vehicle and stop but Mr. Hope did not comply. Officer Ugarte was unsure whether Officer St. Clair, who was standing to Officer Ugarte's right, gave any orders because he was focused on giving his own commands. Officer Ugarte heard gunshots. The Grand AM struck the Tahoe and Officer Ugarte was able to get out of the window. Officer Ugarte saw that Mr. Hope was injured. Officer St. Clair used his radio to report shots fired and asked for an ambulance. Officer Ugarte saw a large bundle of US currency in the cup holder in the Grand AM's center console. Officer Ugarte was transported to Christ Hospital where he was treated for bruises and lacerations to his leg and arm. (Att# 4)

In a formal question and answer typed interview given at IPRA on 28 July 2010, Officer **Armando Ugarte** related an account consistent with facts given at the Roundtable Panel. Officer Ugarte related that when he and Officer St. Clair initially observed Mr. Hope, he was sitting alone leaning back in his vehicle. Officer Ugarte drove the police SUV in front of the Grand AM in an attempt to stop the vehicle from leaving the area. Officer Ugarte and Officer St. Clair exited their vehicle. Officer Ugarte walked to the back of the vehicle to check for passengers. The vehicle was running. He then walked to the front of the vehicle to the driver's side along side Officer St. Clair, who was to the right of him.

Officer Ugarte asked Mr. Hope for his license and insurance. Mr. Hope gave Officer Ugarte his state ID. He then handed Officer Ugarte his mobile telephone. Officer Ugarte returned the mobile telephone. Officer Ugarte placed the ID on top of the Mr. Hope vehicle. Suddenly, Mr. Hope placed the vehicle in drive and turned the vehicle to the left striking Officer Ugarte on the right leg. Officer Ugarte stumbled in a backward motion, but did not fall to the ground. Officer Ugarte yelled for Mr. Hope to "turn off the car, turn off the car, and stop turn off the car!" Officer Ugarte placed his hands inside the vehicle in an attempt to stop Mr. Hope from turning the steering wheel to the left. Officer Ugarte grabbed the steering wheel and yelled for Mr. Hope to stop the vehicle. Officer Ugarte became lodged inside the vehicle. As the vehicle moved, Officer Ugarte's feet were off the ground. The vehicle moved forward and backward. Suddenly, Officer Ugarte heard several gunshots and pushed himself off the vehicle.

Officer Ugarte managed to turn the engine off and get himself off the vehicle. Officer Ugarte learned later that Mr. Hope had a weapon on his person. (Att# 56)

Officer Michael St. Clair related to the Roundtable Panel that he and Officer Ugarte were eastbound on 75th Street and observed a suspicious vehicle (the Grand AM) in the Popeye's parking lot. Officer Ugarte drove into the lot and parked in front of the Grand AM. Officer St. Clair exited the Tahoe and walked to the driver's side door of the Grand AM. Officer St. Clair was working in plainclothes, but his star was clearly visible. Officer Ugarte also went to that area and stood to Officer St. Clair's left. Officer St. Clair asked for Mr. Hope's identification, but Mr. Hope failed to comply. Officer St. Clair asked William Hope if he had any business in the parking lot. Mr. Hope related that he was waiting for someone. Officer St. Clair again asked for Mr. Hope's identification, but Mr. Hope just stared at Officer St. Clair. Mr. Hope then put his vehicle into gear and drove forward, coming close to the Tahoe but not striking it. The officers told Mr. Hope to stop the vehicle and put it in park. Officer Ugarte reached into the vehicle to stop it and became lodged in the partially open window. Officer Ugarte was standing near the side mirror and reached into the vehicle to put his hand on the gearshift lever. While Officer Ugarte was inside the window, Mr. Hope put the vehicle in reverse and then drove forward again, striking the Tahoe. Officer St. Clair repeatedly gave commands to Mr. Hope to stop the vehicle and put it in park, but Mr. Hope ignored him. Officer St. Clair fired his weapon at Mr. Hope four times to prevent him from driving away with Officer Ugarte lodged in the window. Officer St. Clair was standing by the front driver's side door handle approximately one to two feet from the vehicle when he fired. Either Mr. Hope or Officer Ugarte put the vehicle in park and Officer Ugarte was able to free himself. Officer St. Clair reported the shots fired and requested assistance and an ambulance. (Att# 4)

In a digitally recorded statement given to IPRA on 02 August 2010, **Officer Michael St. Clair** related that on the date of the incident he and his partner Officer Ugarte observed a vehicle sitting adjacent to a parking lot in a known high narcotic area. The driver of the vehicle appeared to be sitting in the vehicle with his head down. Officer

Ugarte, who was the driver, pulled approximately one to two feet in front of the vehicle.¹⁰ Officer's St. Clair and Ugarte exited their vehicle and approached the driver's side of Mr. Hope's vehicle. As Officer St. Clair approached the vehicle, he was watching Mr. Hope, trying to observe any suspicious movement Mr. Hope may make. Officer Ugarte then stood to the left of Officer St. Clair, by the outside driver's side mirror. Officer St. Clair, who was standing to the right of Officer Ugarte by the door handle, asked the driver, now known as William Hope, if he had business in the lot. Mr. Hope kept his head down and informed the officers that he was waiting for someone. Officer St. Clair related that the reason why both he and Officer Ugarte stood on the driver's side was that he only saw one person inside the vehicle. Officer St. Clair observed an undetermined amount of US currency in the cup holder in the middle console. Officer St. Clair requested a driver's license from William Hope. Mr. Hope took a deep breath, and then he put the vehicle in drive. The vehicle moved forward once and to the left toward Officer Ugarte and Officer St. Clair. Officer St. Clair was standing a foot from the vehicle as it moved, but Officer Ugarte instructed Mr. Hope to stop the vehicle, reached inside the vehicle, placing his upper body inside the vehicle in an attempt to place the vehicle in park and simultaneously instructed Mr. Hope to stop the vehicle. The vehicle moved forward striking Officer Ugarte on the leg. The vehicle then moved backwards. Officer St. Clair did not verbally forewarn Officer Ugarte that he was going to discharge his weapon. Officer St. Clair fearing for his partner's safety, of possibly being dragged or ran over, Officer St. Clair fired his weapon four times in succession striking Mr. Hope. Officer St. Clair stopped firing once the vehicle stopped and the threat was eliminated and Officer Ugarte managed to clear the vehicle. Officer St. Clair was standing approximately two feet from the vehicle when he discharged his weapon. (Atts# 54, 55)

Detective Eileen Heffernan, # 20154, related to the Roundtable Panel that she responded to Medical Examiner's office and observed several gunshot wounds to Mr. Hope's body. There were through-and-through wounds to the right and left forearms and to the upper part of the right and left arms. The bullets from the wounds to the upper arms both appeared to enter the chest area. (Att# 4)

¹⁰ The officer placed his vehicle in a "T" position in front of Mr. Hope's vehicle.

Chicago Fire Department EMS records reflect medical personnel responded to the location and incident. EMT personnel found Mr. Hope unresponsive and he sustained several gunshot wounds. (Att# 10)

OEMC transmissions reflect that [REDACTED] reported hearing gunshots in the area of 75th Street and Perry Ave., by the Popeye's Chicken parking lot. Bt 622 reported shots fired in the area of 76th and State and requested supervisors and an ambulance to the area. (Att # 12, 41)

Crime Screen Processing report reflects that Forensic Investigator Joseph Dunigan, # 4047 and Evidence Technician Joseph Scumaci, # 3811, Unit 377 recovered and inventoried four (4) expended shell casing, and one (1) fired bullet from the scene.

Forensic Investigator Joseph Dunigan also recovered Officer St. Clair's Smith and Wesson 9 Tactical Handgun Model 5943T, 9mm. Forensic Investigator Dunigan recovered and inventoried from the left pocket of Mr. Hope a Pietro Beretta Model 92F, 9mm. (Att# 26)

Evidence Technicians photographs depict images of the location of incident, the silver Grand AM vehicle associated with Mr. Hope, the police vehicle associated with Officer St. Clair and Officer Ugarte, and the deceased, Mr. Hope.

Additional photographs of Officer Ugarte taken at Christ Hospital depicted images of leg and hand injuries Officer Ugarte sustained from the incident. (Atts# 9, 28)

Surveillance video obtained from Popeye's Chicken, 111 W 75th Street did not capture images of the incident. (Att# 21)

General Case report and Supplemental reports completed and submitted reflect that Officer St. Clair and Officer Ugarte were conducting street stop in the parking lot at 111 W 75th Street. The officers encountered Mr. Hope who was sitting in a parked a gray Grand AM. The officers approached the vehicle and attempted to conduct a field interview. At that point, Mr. Hope attempted to drive away and flee the area. Officer Ugarte placed the upper part of his torso through the vehicles' drivers' side window in an attempt to stop Mr. Hope from leaving the area, but his upper body became lodged in the window. Mr. Hope refused to comply with verbal commands from both officers to stop the vehicle. Officer St. Clair in fear of his partner's life discharged his weapon at Mr. Hope striking him.

A Chicago Police vehicle, unmarked black SUV facing southbound in the parking lot was positioned in front of a grey Pontiac Grand AM that was facing eastbound in parking lot. The Chicago Police vehicle sustained damage at right rear quarter panel¹¹ adjacent to the wheel well.

Officer St. Clair reported that he was working Beat 662A with Officer Ugarte. While traveling on 75th Street, he observed a vehicle parked in a secluded part of the Popeye's parking lot. The officers approached the vehicle to conduct a field interview and asked the occupant Mr. Hope, who was sitting in the driver's seat, for his driver license. As Mr. Hope handed his driver's license to Officer Ugarte, he reached for the gearshift located between the driver and the passenger's seat, and placed the vehicle in reverse. Officer Ugarte entered the vehicle through the driver's side window and attempted to prevent the driver from fleeing. Officer Ugarte was partially in the vehicle and hung on to the steering wheel as he ordered Mr. Hope to stop the vehicle. Mr. Hope shifted the vehicle forward striking the officer's vehicle and again shifted the vehicle into reverse. Officer St. Clair, in fear of his partner's safety and imminent threat of death from these actions, fired his weapon four times at William Hope.

Officer Ugarte reported that while on patrol he and his partner, Officer St. Clair observed a Grand AM backed into a parking space on the west side of the parking lot away from other vehicles. The officers watched the vehicle for sometime and noticed that the driver did not exit the vehicle or enter the restaurant.

The officers decided to approach the vehicle and parked in front of the Grand AM. The officers exited their vehicle and approached the driver's side of the Grand AM, which was running at the time. Officer Ugarte noticed an unknown amount of loose currency on the center console. Officer Ugarte requested William Hope's drivers' license and insurance card. Mr. Hope gave Officer Ugarte his driver's license and mobile phone. Officer Ugarte returned the mobile phone. William Hope placed the vehicle in drive and struck the passenger's side of officer's police vehicle.

Mr. Hope ignored verbal commands given to him by Officer Ugarte to stop the vehicle. The Grand Am pulled forward and Officer Ugarte was knocked off balance, but did not fall to the ground. Officer Ugarte held onto the vehicle in order to avoid being run

¹¹ The body panel that is between the rear door and typically wraps around the wheel well the vehicle.

over by the vehicle. Mr. Hope put the vehicle in reverse and Officer Ugarte was able to position himself to hold on to something inside the vehicle.

Officer Ugarte continued to give commands to Mr. Hope, which were ignored. The vehicle went backwards and then Mr. Hope placed the vehicle in drive and the vehicle moved forward. Officer Ugarte attempted to remove himself from the window, but he was stuck in between the frame of the door and window. Suddenly, Officer Ugarte heard gunshots from his right side.

The vehicle came to a stop and Officer Ugarte did not observe movement from Mr. Hope. Officer St. Clair radioed for assistance and the officers secured the area.

In the Supplemental Report submitted, the witness, [REDACTED] related to detectives that she left her residence to retrieve an item from her vehicle which was parked across the street at 7508 S. Perry. She observed a silver vehicle in the parking lot of Popeye's Chicken. As she returned from her vehicle Ms. [REDACTED] observed a black police vehicle pull up to the silver vehicle and observed one black male and one Hispanic male officer exit the truck.

The officers approached the silver vehicle on the driver's side. The Hispanic officer was at the window and black male officer stood behind him. The window of the silver vehicle was rolled down and she observed the driver of the silver vehicle hand the officers what she believed to be a driver's license. Seconds later, the driver of the silver vehicle put the vehicle into drive, and attempted to go around the police vehicle. The driver put the vehicle in reverse and the Hispanic officer reached into the vehicle and attempted to place the vehicle in park or to remove the keys. The driver of the silver vehicle drove forward with the Hispanic officer dangling from the driver's side window. The Hispanic male officer removed himself from the vehicle and Ms. [REDACTED] looked away. Suddenly she heard one gunshot. She turned attention back to the vehicle and observed the black male officer fire three additional gunshots into the vehicle.

The witness [REDACTED] related to detectives that he and a friend [REDACTED] were exiting Popeye's Chicken and walking toward [REDACTED]'s vehicle. Mr. [REDACTED] stated that he was the passenger side of [REDACTED]'s vehicle when he the police yelling, "Cut it off, put it in park, and get out of the car" at an unknown black male sitting in a vehicle. The unknown black male inside the vehicle tried to pull off and the white officer tried to

stop him by reaching into the vehicle and putting the vehicle in park. The black male officer stepped back and fired his weapon into the vehicle four or five times.

The witness [REDACTED] related to detectives that he and his friend [REDACTED] were exiting Popeye's Chicken after making a purchase. Mr. [REDACTED] was standing his vehicle when he noticed a black truck pull in the front of another vehicle. Officers exited the black vehicle and told the driver of the second vehicle to put the vehicle in park. The driver of the vehicle attempted to place the vehicle in gear. The white officer reached into the vehicle on the driver's side. The black male officer stepped back, and fired into the vehicle. (Att# 59)

Tactical Response Report submitted and completed by Officer Michael St. Clair, documented that Mr. Hope's actions towards Officer St. Clair's partner placed Officer St. Clair in fear of his partner's life. Officer St. Clair responded to this by firing (4) times striking and killing William Hope. (Att# 10)

Tactical Response Report submitted and completed by Officer Armando Ugarte documented that Mr. Hope's actions toward Officer Ugarte placed him in fear of great bodily harm. (Att #68)

Officer's Battery Report submitted and completed by Officer Armando Ugarte documented that Officer Ugarte sustained non-fatal injuries as a result of being struck by a vehicle. (Att # 69)

Chicago Fire Department Run Sheet documented that Officer Ugarte informed Chicago Department EMS personnel that he was struck by a vehicle at an unknown speed. Officer Ugarte complained of pain to the right leg where the vehicle "bumped" him. (Att# 70)

Medical Records obtained from Christ Hospital for Officer Armando Ugarte document that Officer Ugarte informed hospital personnel that he was struck by a vehicle. Records document that Officer Ugarte sustained a contusion to the right leg and a laceration to the right hand. (Att# 67)

Postmortem report of William Hope, completed and submitted by the Medical Examiner of Cook County dated 09 July 2010, reflect wound one (1) gunshot wound to the back. The entrance of the wound is located over the left scapula. The exit of the

wound is at the right of the torso. The direction gunshot wound is back to front, left to right and downward.

The second gunshot (2) wound is to the left arm. The direction of the gunshot wound is left to right, back to front and slightly downward.

The third gunshot (3) wound is to the left wrist. The direction of the gunshot wound is from the dorsal aspect of the left wrist to the ventral aspect of the left wrist.

The fourth gunshot (4) wound is to the right forearm. There is a laceration of muscle and possibly tendon. No bones were fractured.

The fifth gunshot (5) wound is to the back. The direction of the gunshot wound is basically back to front horizontal, and with very little left to right and right to left direction.

Anatomic summary reflects lacerations of the skin, subcutaneous tissue, muscle, pleura, lung and aorta. Bilateral hemothorax, external blood loss and fractures to the left humerus, left lunar bone, left scapula, left rib, and thoracic vertebrae. (Att# 59)

Medical Examiner's photographs depict the body of William Hope and images of the wounds sustained. (Att# 29)

Illinois State Police (ISP) test reflects that the weapon a 9mm Beretta associated with William Hope was to be found to be in good firing condition. The weapon displayed rifling characteristics of six lands and grooves with a right hand twist. Technicians test fired the weapon and compared the shots to the IBIS database; however, no identification was made.

Illinois State Police (ISP) test reflects that the weapon associated with Officer Michael St. Clair, a Smith and Wesson 9mm Luger, semi-automatic was examined and found to be in good firing condition. The weapon displayed rifling characteristics of five land and grooves with a right hand twist. (Att# 31)

Civil Suit, # 10 L 8268 filed on 20 July 2010, by the Special Administrator Jennifer McLin for the Estate of William Hope Jr., reports that Officer Michael St. Clair, # 15527 acting within the scope of his employment by the City of Chicago utilized unjustifiable force against William Hope. Officer St. Clair shot William Hope, Jr., multiple times with a firearm without lawful cause or justification. (Att# 40, 62)

The suit further alleged that Officer Armando Ugarte was aware of the imminent use of unjustified deadly force and had a realistic opportunity to intervene and prevent such conduct; however, Officer Ugarte deliberately or recklessly failed to act for the protection of William Hope, Jr. (Atts # 40, 62)

In a deposition taken on 17 November 2011, **Officer Armando Ugarte** during questioning provided essentially the same account of events as told to IPRA and Chicago Police Administration. Officer Ugarte also related that once he and Officer St. Clair exited their vehicle and began to approach the vehicle occupied by Mr. Hope, Officer Ugarte observed that the vehicle was on and the driver's side window was partially down. As Officer Ugarte approached the window, Mr. Hope looked at him. Officer Ugarte announced his office, displayed his identification and asked Mr. Hope for his license. Officer Ugarte related that he wanted to conduct a field interview, because he did not know Mr. Hope's purpose of sitting in the parking lot. Mr. Hope gave Officer Ugarte his identification card and handed the officer a mobile telephone. Officer Ugarte returned the mobile telephone to Mr. Hope. Mr. Hope then tossed the mobile telephone onto the dashboard of the vehicle. Suddenly, Mr. Hope took a deep breath, turned the wheel with his left hand and simultaneously placed the vehicle in gear with his right. As Mr. Hope began to turn the vehicle to left, Officer Ugarte placed his upper body inside the vehicle with intent to place the vehicle back in the park position. However, the vehicle moved forward and to the left, striking Officer Ugarte. Officer Ugarte related that he did not know where his feet were, but he related that he did not feel the ground under his feet. Officer Ugarte related that he was unable to recall if he moved back once the vehicle struck him. Officer Ugarte related that he attempted to get himself out of the vehicle, the vehicle continued to move forward and in reverse. Officer Ugarte related that as the vehicle moved forward he heard the gunshots.

Officer Ugarte related that he had no indication that Officer St. Clair had his weapon drawn. Officer St. Clair did not announce his intention to fire. Officer Ugarte was unable to recall the number of shots he heard. Once the firing stopped and the vehicle stopped moving, Officer Ugarte was able to get out of the vehicle. (Att 65)

In a deposition taken on 18 November 2011, **Officer Michael St. Clair**, during questioning, provided essentially the same account of events as told to IPRA and Chicago

Police Administration. Officer St. Clair also related that the purpose of entering the parking lot of Popeye's Chicken was to conduct a Terry stop.¹² Due to the position of Mr. Hope's vehicle in the lot, Officer St. Clair wanted to ensure that Mr. Hope was not observing the establishment for a future robbery. Officer St. Clair also wanted to ascertain if Mr. Hope was conducting drug transactions in the parking lot.

Officer St. Clair also related that at the time of the incident he did not announce his intention to discharge his weapon. When Officer St. Clair discharged his weapon, he was attempting to stop Mr. Hope from dragging Officer Ugarte, who was stuck in the window of the vehicle. (Att 64)

On 12 August 2010, the case was transferred to the Federal Court under docket# 10 CV05076. On 02 November 2012, the jury returned a verdict in favor of the plaintiff and against the City of Chicago. Compensatory damages were awarded in favor of the plaintiff in the amount of \$4,573,700.00, and punitive damages were awarded against individual defendants Officers St. Clair and Ugarte in the amount of \$10,000.00 each. As of 10 January 2013, the City of Chicago disputed the judgment. (Att# 61, 62, 63)

¹² The stop of person by officers based on a reasonable belief that the person is or has been engaged in criminal activity.

CONCLUSION:

This investigation found that the use of deadly force by Officer Michael St. Clair was in compliance with Chicago Police Department policy. According to the Chicago Police Department's General Order 02-08-03, Section II, A

A sworn member is justified in using force likely to cause death or great bodily harm **only** when he or she reasonably believes that such force is necessary:

1. to prevent death or great bodily harm to the sworn member or to another person, or:
2. to prevent an arrest from being defeated by resistance or escape and the sworn member reasonably believes that the person to be arrested:
 - a. has committed or has attempted to commit a forcible felony which involves the infliction, threatened infliction, or threatened use of physical force likely to cause death or great bodily harm or;
 - b. is attempting to escape by use of a deadly weapon or;
 - c. otherwise indicates that he or she will endanger human life or inflict great bodily harm unless arrested without delay.

The witnesses, Ms. [REDACTED], Mr. [REDACTED] and Mr. [REDACTED] provided inconsistent accounts of the incident to Detectives of Chicago Police Department and Investigators of the Independent Police Review Authority.

Ms. [REDACTED] first stated to Chicago Police Department and IPRA personnel that she observed Mr. Hope place his vehicle in gear and drive the vehicle forward and then backward. Officer Ugarte reached inside the vehicle as the vehicle continued to move forward and backward. Ms. [REDACTED] turned her attention for from the vehicle and heard one gunshot; she then turned her attention back to the Grand AM and observed Officer St. Clair discharge his weapon several additional times.

Ms. [REDACTED] stated to Chicago Police Department personnel that when she observed the Grand AM moving forward and backward, Officer Ugarte's body was somewhat inside the vehicle.

Ms. [REDACTED] stated to IPRA that as the vehicle driven by Mr. Hope moved forward and backward, Officer Ugarte stepped back from the vehicle and stood completely outside the vehicle. Officer St. Clair stood approximately one foot from the vehicle and discharged his weapon four times at Mr. Hope.

The witness, [REDACTED] stated that he heard Officer Ugarte instruct Mr. Hope to place his vehicle in gear. Mr. [REDACTED] stated that at no time did the vehicle driven by Mr. Hope move in any direction nor were the officers in danger of being struck. Mr. [REDACTED] stated that after the shooting Officer St. Clair got on the radio and requested assistance. Upon the arrival of additional officers, Officer St. Clair reported that the vehicle struck him. Department records and statements from the officers indicate the vehicle struck Officer Ugarte.

The witness, Mr. [REDACTED] stated that he observed Mr. Hope attempt to maneuver his vehicle around the officer's SUV, but the vehicle did not strike the officer or the police vehicle. Mr. [REDACTED] and Mr. [REDACTED] were standing next to each other at the time of incident.

Officer St. Clair's action complied with Chicago Police Department policy on the use of deadly force. Officer St. Clair followed the guidelines of General Order 03-02-02, II Section B.¹³ Officer St. Clair and Officer Ugarte attempted to conduct a vehicle stop to investigate the actions of William Hope. Officer Ugarte approached the vehicle and requested William Hope's identification. William Hope gave Officer Ugarte a state ID card and mobile telephone. Officer Ugarte returned the mobile telephone to William Hope. William Hope put the Grand AM in drive and drove forward, turning the wheel as he did which caused the Grand AM to strike Officer Ugarte. Officer Ugarte reached into the window to stop William Hope from driving further. The driver's side window was not fully open and Officer Ugarte became struck in the opening. William Hope reversed the Grand AM and drove forward again with Officer Ugarte still stuck in the window.

¹³ General Order 03-2-03 Deadly force; Firing into a moving vehicle is only authorized to prevent death or great bodily harm to the sworn member or another person. When confronted with an oncoming vehicle and that vehicle is the only force used against them, sworn members will move out of the vehicle's path.

Officer Ugarte unable to remove himself from the vehicle, repeatedly instructed William Hope to turn off the vehicle and stop but William Hope did not comply. Officer St. Clair gave verbal commands to William Hope to stop the vehicle, but he refused. In fear for the safety of Officer Ugarte possibly being struck a second time by the vehicle, Officer St. Clair discharged his weapon and struck William Hope.


Investigator Kymberly Ann Reynolds, # 126


IPRA Supervisor